

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN JOHNSON,

Plaintiff,

v.

Case No. 22-10878
Honorable Victoria A. Roberts

NURSE BROWN, et al.,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION TO
ALTER OR AMEND THE JUDGMENT [ECF No. 34]**

On January 25, 2023, the Court entered an order granting Defendants' motions to dismiss the complaint.

Before the Court is Plaintiffs' motion to alter or amend the judgment. He says the Court's order "conflicts with ... Supreme Court, Sixth Circuit, and District Court precedent."

Plaintiff does not cite a federal or local rule as the basis for his motion, but the motion's title suggests he is bringing it under Federal Rule of Civil Procedure 59(e) ("Motion to Alter or Amend a Judgment").

Rule 59(e) "enables a party to request that a district court reconsider a just-issued judgment." *Banister v. Davis*, 140 S. Ct. 1698, 1703 (2020). The Rule "gives a district court the chance 'to rectify its own mistakes in the

period immediately following' its decision.” *Id.* (citation omitted); *see also Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008) (explaining that “[t]he purpose of Rule 59(e) is ‘to allow the district court to correct its own errors, sparing the parties and appellate courts the burden of unnecessary appellate proceedings’” (citation omitted)). The Court may grant a Rule 59(e) motion to alter or amend judgment only if there is: “(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.” *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005).

After reviewing the motion, the Court finds that Plaintiff fails to demonstrate that the Court should alter or amend the judgment/final order under Rule 59(e). Particularly, Plaintiff fails to show that the order dismissing the complaint contains a clear error of law.

The Court **DENIES** Plaintiff’s motion to alter or amend the judgment [ECF No. 34].

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: February 13, 2023